

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**MATTHEW LEO KELLEY,**

**Defendant.**

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**Case No.: 2:05-cr-122-T**

**MOTION TO WITHDRAW PENDING EX PARTE MOTION  
FOR FUNDS FOR MENTAL EVALUATION ON DEFENDANT**

COMES NOW, the defendant, Matthew Leo Kelley, by and through the undersigned attorney, Richard K. Keith, and moves this Honorable Court to allow him, at this time, to withdraw his previously filed Ex parte Motion for Funds for Mental Evaluation on Defendant, filed under seal on August 3, 2005.

WHEREFORE, the Defendant moves this motion be granted.

Respectfully submitted this 30th day of August, 2005.

s/Richard K. Keith

**RICHARD K. KEITH (KEI003)**

Attorney for Defendant Kelley

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kent B. Brunson, Esq.  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, AL 36104

s/Richard K. Keith

**OF COUNSEL**